

REMARKS

Applicant has carefully reviewed the Office Action mailed December 2, 2008 and offers the following remarks to accompany the above amendments.

Claims 23 and 30 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Patent Office asserts that the terms “the target network address” and “the first target network address” in claim 23 and the term “the first target network address” in claim 30 lack antecedent basis. Claims 23 and 30 have been amended. Applicant respectfully submits that the claims as amended provide proper antecedent basis and are therefore not indefinite. As such, the rejections of claims 23 and 30 under 35 U.S.C. § 112, second paragraph as being indefinite should be withdrawn.

Claims 1-23, 25-30, and 32-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,131,141 B1 to Blewett et al. (hereinafter “Blewett”). Applicant respectfully traverses.

For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. M.P.E.P. § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Claim 1 recites a method for facilitating communications between a user element and a protected network resource comprising:

- a) establishing a first tunneling session with the user element via a first access network;
- b) assigning to the user element a first target network protected address for addressing packets intended for the protected network resource and traveling in part over the first tunneling session;
- c) establishing a second tunneling session with the user element via a second access network; and
- d) reassigning to the user element the first target network protected address for addressing packets intended for the protected network resource and traveling in part over the second tunneling session.

Thus, the invention of claim 1 requires a first tunneling session to be established via a first access network and a second tunneling session to be established over a second access network. Blewett does not disclose establishing two tunneling sessions over different access networks where a separate tunneling session is established over each of the two different access networks. Blewett discloses two trust-group networks (“WORKNET” and “HOMENET”) connected to a private protected resource network (Blewett, Abstract and Figure 1A). However, only the WORKNET network is connected to the protected private network via an Ipsec tunnel (Blewett, Abstract and Figures 1A and 1B). Note the Abstract states “**One** of the local networks may be connected to the remote private network via a VPN IPsec tunnel” (Blewett, Abstract, emphasis added). There is no tunneling session established over the HOMENET network in Blewett, so Blewett does not teach a second tunneling session being established over a second access network. In fact, “there is no VPN tunnel in the homenet/accessible server.” (Blewett, col. 13, lines 46-47). Moreover, no client access in either direction is permitted between the HOMENET and the protected resource network (Blewett, col. 9, lines 28-30). Thus, it is clear that Blewett does not disclose a first tunneling session to be established via a first access network and **a second tunneling session to be established over a second access network**, as recited in claim 1. Claim 1 is therefore not anticipated by Blewett.

In addition, claim 1 recites that a first target network protected address is assigned to the user element for addressing packets intended for the protected network resource and traveling in part over the first tunneling session and then the same first target network protected address is reassigned to the user element for addressing packets intended for the protected network resource and traveling in part over the second tunneling session. Blewett also does not teach this limitation since Blewett fails to disclose that the same address that is used to address the packets traveling in part over the first tunneling session is reassigned to the user element for addressing the packets traveling in part over the second tunneling session. This can be seen when looking at the portions of Blewett cited by the Patent Office. The Patent Office cites to Figure 3A, item 352 as being the claimed first target network protected address that is assigned to the user element for addressing packets intended for the protected network resource and traveling in part over the first tunneling session and cites to Figure 7A, item 752 as the address for addressing the packets traveling in part over the second tunneling session (Office Action mailed December 2, 2008, p. 4). However, it is clear from looking at Figures 3A and 7A that the addresses shown are not the

same address. The address in item 352 of Figure 3A (WORKNET) is 135.207.12.204:80 and the address in item 752 of Figure 7A (HOMENET) is 10.0.0.7:80. Thus, the address used for the WORKNET is not reassigned. As such, Blewett does not teach “reassigning to the user element the first target network protected address for addressing packets intended for the protected network resource and traveling in part over the second tunneling session,” as recited in claim 1. Claim 1 is therefore not anticipated by Blewett for this additional reason.

Independent claims 12, 23, and 30 all recite limitations similar to those in claim 1. Thus, claims 12, 23, and 30 are patentable over Blewett for at least the same reasons as set forth above with respect to claim 1. Claims 2-11 depend from claim 1 and contain all of the limitations of claim 1. Claims 13-22 depend from claim 12 and contain all of the limitations of claim 12. Claims 25-29 depend from claim 23 and contain all of the limitations of claim 23. Claims 32-36 depend from claim 30 and contain all of the limitations of claim 30. Therefore, claims 2-11, 13-22, 25-29, and 32-36 are patentable for at least the same reasons noted above with regards to claims 1, 12, 23, and 30, respectively.

Independent claims 23 and 30 also recite that the first and second tunneling sessions are established with the first and second access networks via a tunnel access server. The Patent Office has not pointed to anything in Blewett that is alleged to be equivalent to the claimed tunnel access server. Claims 23 and 30 are thus patentable for this additional reason.

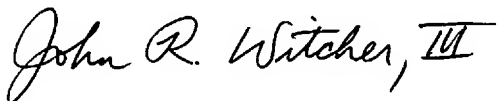
Claims 24 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Blewett in view of U.S. Patent No. 7,020,464 B2 to Bahl et al. (hereinafter “Bahl”). Applicant respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. (BNA) 580 (CCPA 1974). An obviousness inquiry requires looking at a number of factors, including the background knowledge possessed by a person having ordinary skill in the art, to determine whether there was an apparent reason to combine the elements of the prior art in the fashion claimed by the present invention. *KSR Int’l v. Teleflex, Inc.*, 550 U.S. ___, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007). For the Patent Office to combine references in an obviousness rejection, the Patent Office must identify a reason why a person of ordinary skill in the art would have combined the references. *Ibid*. If the Patent Office cannot establish obviousness, the claims are allowable.

As discussed above, Blewett does not teach each and every element of independent claims 1, 12, 23, and 30. Claim 24 depends from claim 23 and claim 31 depends from claim 30 and are thus patentable based on their dependency from their respective independent claim. In particular, Blewett does not disclose that a first tunneling session is established via a first access network and a second tunneling session is established over a second access network, as recited in the independent claims. Blewett also does not teach or suggest "reassigning the to the user element the first target network protected address for addressing packets intended for the protected network resource and traveling in part over the second tunneling session," as recited by the claimed invention. Bahl also does not disclose establishing two tunneling sessions over two access networks, or reassigning the first target network protected address to the user element for addressing packets intended for the protected network resource and traveling in part over the second tunneling session. Thus, Bahl does not correct the deficiencies of Blewett, and the combination of Blewett and Bahl does not teach or suggest each and every element of the claimed invention. As such, claims 24 and 31 are patentable over the cited references.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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